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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,509	04/12/2004	Tijana Rajh	0003/00724 CIP	3268

7590 08/08/2007
CHERSKOV & FLAYNIK
The Civic Opera Building
Suite 1447
20 North Wacker Drive
Chicago, IL 60606

EXAMINER

MORAN, MARJORIE A

ART UNIT	PAPER NUMBER
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1631

MAIL DATE	DELIVERY MODE
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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10823509	4/12/2004	RAJH ET AL.	0003/00724 CIP

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EXAMINER

Marjorie Moran

ART UNIT	PAPER
1631	20070804

DATE MAILED:

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Commissioner for Patents

The reply filed on 5/18/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the elections are contradictory, therefore it is unclear what has been elected.

In the office action mailed 10/12/06, applicant was required to elect a form and source of radiation. It was assumed that applicant would elect a source of radiation corresponding to the elected form. In the reply filed 11/28/06, applicant merely elected an energy level, which was considered nonresponsive. In response to the office action of 2/20/07, which reiterated and clarified that a form AND source of radiation must be elected, applicant elected white (visible) light and 32P. White (visible) light is admitted to be a form of radiation, but it is not one which is emitted by 32P. 32P is a known source of radiation, but the radiation provided is in the form of beta particles, not white light. It is noted that applicant amended claim 33 to recite beta rays as a form of radiation in the response filed 5/18/07, but did not elect this species. As the form of radiation elected does not correspond to the source also elected in the response filed 5/18/07, it is unclear what type of radiation applicant has, in fact, elected. It is recognized that claim 33 recites several forms of radiation for which no source is recited in the claims. If applicant elects a form of radiation for which no source is claimed (e.g. white light), a responsive reply should also include either election of a source disclosed by the specification or, in the absence of a disclosed source, an argument that as no "source" is recited and/or disclosed which corresponds to the elected form, no election of a source can be made.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marjorie Moran whose telephone number is 571-272-0720. The examiner can normally be reached on M-F 6:30 am- 2 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MARJORIE A. MORAN
PRIMARY EXAMINER

Marjorie A. Moran
8/5/07